



## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R8-ES-2022-0082; FF09E21000 FXES1111090FEDR 234]

RIN 1018–BG07

### Endangered and Threatened Wildlife and Plants; Endangered Species Status for the San Francisco Bay-Delta Distinct Population Segment of the Longfin Smelt

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; reopening of comment period and announcement of public hearing.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are reopening the public comment period on our October 7, 2022, proposed rule to list the San Francisco Bay-Delta distinct population segment (DPS) of longfin smelt (*Spirinchus thaleichthys*) (Bay-Delta longfin smelt), a fish species of the Pacific Coast, as an endangered species under the Endangered Species Act of 1973, as amended (Act). We are taking this action to conduct a public hearing and allow all interested parties additional time to comment on the proposal to list the Bay-Delta longfin smelt as endangered. Comments previously submitted need not be resubmitted and will be fully considered in preparation of the final rule.

**DATES:** *Comment submission:* The comment period on the proposed rule that published October 7, 2022, at 87 FR 60957, is reopened. We will accept comments received or postmarked on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Please note that comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. eastern time on the closing date to ensure consideration.

*Public hearing:* On March 14, 2023, we will hold a public hearing on the Bay-Delta longfin smelt proposed listing from 5:00 to 7:00 p.m., Pacific time, using the Zoom online platform (for more information, see **Public Hearing**, below).

**ADDRESSES:** *Availability of documents:* You may obtain copies of the October 7, 2022, proposed rule and associated documents on the internet at <https://www.regulations.gov> under Docket No. FWS-R8-ES-2022-0082.

*Written comments:* You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal:

<https://www.regulations.gov>. In the Search box, enter FWS-R8-ES-2022-0082, which is the docket number for this proposed rule. Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on “Comment.”

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS-R8-ES-2022-0082, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see **Public Comments**, below, for more information).

**FOR FURTHER INFORMATION CONTACT:** Donald Ratcliff, Field Supervisor, U.S. Fish and Wildlife Service, San Francisco Bay-Delta Fish and Wildlife Office, 650 Capitol Mall Suite 8–300, Sacramento, CA 95814; telephone 916–930–5603. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services.

Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

## **SUPPLEMENTARY INFORMATION:**

### **Background**

On October 7, 2022, we published a proposed rule (87 FR 60957) to list the Bay-Delta longfin smelt as endangered under the Act. The proposed rule established a 60-day public comment period, ending December 6, 2022. During the open comment period, we received a request for a public hearing. Therefore, we are reopening the comment period and announcing a public hearing to allow the public an additional opportunity to provide comments on the proposed rule.

For a description of previous Federal actions concerning the Bay-Delta longfin smelt and information on the types of comments that would be helpful to us in promulgating this rulemaking action, please refer to the October 7, 2022, proposed rule (87 FR 60957).

### **Public Hearing**

We are holding a public hearing to accept comments on the proposed rule to list the Bay-Delta longfin smelt on the date and at the time listed in **DATES**. We are holding the public hearing via the Zoom online video platform and via teleconference so that participants can attend remotely. For security purposes, registration is required. All participants must register in order to listen and view the hearing via Zoom, listen to the hearing by telephone, or provide oral public comments at the public hearing by Zoom or telephone. For information on how to register, or if you encounter problems joining Zoom the day of the meeting, visit <https://www.fws.gov/office/san-francisco-bay-delta-fish-and-wildlife>. Registrants will receive the Zoom link and the telephone number for the public hearing. If applicable, interested members of the public not familiar with the Zoom

platform should view the Zoom video tutorials (<https://support.zoom.us/hc/en-us/articles/206618765-Zoom-video-tutorials>) prior to the public hearing.

The public hearing will provide interested parties an opportunity to present verbal testimony (formal, oral comments) regarding the October 7, 2022, proposed rule to list the Bay-Delta longfin smelt (87 FR 60957). The purpose of the public hearing is to provide a forum for accepting formal verbal testimony, which will then become part of the record for the proposed rule. In the event there is a large attendance, the time allotted for verbal testimony may be limited. Therefore, anyone wishing to provide verbal testimony at the public hearing is encouraged to provide a prepared written copy of their statement to us through the Federal eRulemaking Portal, or U.S. mail (see **ADDRESSES**, above). There are no limits on the length of written comments submitted to us. Anyone wishing to provide verbal testimony at the public hearing must register before the hearing (<https://www.fws.gov/office/san-francisco-bay-delta-fish-and-wildlife>). The use of a virtual public hearing is consistent with our regulations at 50 CFR 424.16(c)(3).

#### *Reasonable Accommodation*

The Service is committed to providing access to the public hearing for all participants. Closed captioning will be available during the public hearing. Further, a full audio and video recording and transcript of the public hearing will be posted online at <https://www.fws.gov/office/san-francisco-bay-delta-fish-and-wildlife> after the hearing. Participants will also have access to live audio during the public hearing via their telephone or computer speakers. Persons with disabilities requiring reasonable accommodations to participate in the hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** at least 5 business days prior to the date of the hearing to help ensure availability. An accessible version of the Service's public hearing presentation will also be posted online at <https://www.fws.gov/office/san-francisco-bay-delta-fish-and-wildlife> prior to the hearing (see **DATES**, above). See

<https://www.fws.gov/office/san-francisco-bay-delta-fish-and-wildlife> for more information about reasonable accommodation.

## **Public Comments**

If you submit information via <https://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via hard copy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <https://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed rule, will be available for public inspection on <https://www.regulations.gov>.

## **Authors**

The primary author of this document is Ecological Services staff of the Pacific Southwest Regional Office, U.S. Fish and Wildlife Service, Sacramento, California.

## **Authority**

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

**Wendi Weber,**  
*Acting Director,*  
*U.S. Fish and Wildlife Service.*

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